

Topic: A bifurcated trial in a capital case

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Course:

Date:

- **Advantages and disadvantages of a bifurcated trial:**

Bifurcation generally shortens the amount of time the primary preliminary will take because proof of damages isn't required, therefore saving assets and resources. It is likely that the cost of the two shorter preliminaries will be comparable to, or even cheaper than, the cost of one longer preliminary. Preliminary legal counsels frequently express the opinion that bifurcation helps offended parties by providing the jury with two opportunities to show rage through a high honor of harms—once in the compensation grant and once in the corrective honor that follows (Benedettelli, 2013). In addition to seeking to refute the monetary evidence, respondents in the second phase of a bifurcated preliminary can submit a variety of additional types of evidence that may be too risky to even consider using in a unitary preliminary.

- **Comparison of Furman v. Georgia and Gregg v. Georgia**

Furman v. Georgia was a case decided by the Supreme Court of the United States that addressed the need for uniformity in the application of the death penalty. This case sparked a countrywide moratorium on the death penalty, culminating in 1976 with the judgement in Gregg v. Georgia. The Furman case was coupled with Supreme Court decisions that also ruled against the death penalty for assault. During this case, it was contested whether Furman fired a bullet aimlessly while fleeing or when stumbling and inadvertently shooting the pistol, killing the person in question. Furman was

prosecuted and condemned to death purely on the basis of his own assertion (Laveine, 2019). Gregg tested the burden of deadly punishment under the Georgia resolution as a "merciless and unusual" discipline under Eighth and Fourteenth Amendments in this case. Following these cases, in which the Court found that death sentences enforced by rules placed on jurors with the unfettered aim to force or retain capital punishment were in violation of the Amendments, that resolution was recently revised. The ruling in *Furman v. Georgia* was utilized as a guideline in *Gregg v. Georgia*.

- **Influence of these two cases on individuals**

This decision was controversial because it finally established specific guidelines on capital punishment, which had previously been highly ambiguous. The Court concluded 7-2 that the death sentence did not violate the Constitution in all situations. In severe court matters, as to where a respondent has already been convicted of deliberately killing another person, the careful and reasonable application of capital punishment may be justified if administered with caution. Georgia's death penalty rule requires a bifurcated procedure in which the preliminary and condemning proceedings are conducted independently, explicit the discoveries regarding the seriousness of the wrongdoing and the litigant's idea, and a correlation of each capital sentence's conditions with other comparable cases to ensure the reasonable and cautious use of capital punishment.

- **Does the imposition of the death penalty in these cases constitute cruel and unusual punishment?**

"The Court determines that the burden and execution of the death penalty constitute cruel and unusual punishment, in violation of the 14th amendment. The verdict for each scenario is therefore reversed to the degree that it leaves the compulsory death penalty untouched, and the cases are remanded for further proceedings". The brief evaluation read Only Two of the Justices agreed that capital punishment was unconstitutional under all circumstances. Regardless, the Furman decision resulted in a four-year moratorium on all executions until a judicial challenge provided further guidance (Rogers, 2011). In a series of decisions known as the Gregg cases, the Supreme Court ruled in 1976 that the death sentence was legal in the United States, but only under certain conditions. It rejected pre-programmed death sentences and stated that death punishments cannot be defined by "mediation and imagination."

Works Cited

- Benedettelli, M. V. (2013). To Bifurcate or Not To Bifurcate? That is the (Ambiguous) Question. *Arbitration International*, 493-506.
- Laveine, J.-P. (2019). Some Late Paleozoic medullosans substantiate the bifurcate semi-pinnate model of frond architecture. Reconstructing the frond of the genus *Mixoneura*. *Palaeontographica Abteilung B*, 1-101.
- Rogers, A. (2011). Capital Punishment on Trial: Furman v. Georgia and the Death Penalty in Modern America. *Journal of American History*, 1187-1188.